

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. 3:12-cr-00373-HZ-1

Plaintiff,

v.

SAMUEL NAVARRETTE-AGUILAR,

ORDER

Defendant.

HERNÁNDEZ, District Judge:

Defendant Samuel Navarrette-Aguilar moves the Court to reduce his sentence under 18 U.S.C. § 3582(c)(1)(A)(i). The Government opposes Defendant's motion.

The Court denied Defendant's first motion for compassionate release on July 28, 2021. *See* Order, ECF 233 ("July Order"). His second motion largely mirrors the first. In the renewed motion, Defendant provides no new information that supports changing the Court's reasoning found in its July Order.

Plaintiff now highlights his status as former smoker. Defendant has no health conditions that place him at a high risk for severe illness from COVID-19, and he is vaccinated. A history of smoking alone does not constitute extraordinary and compelling circumstance.

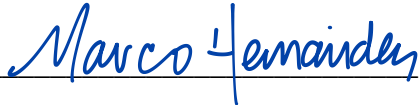
Defendant also emphasizes his strong family ties and other friendships as evidence of his rehabilitation. The Court commends Defendant for developing meaningful relationships with others and engaging with programming. However, as discussed in the Court's July Order, the § 3553(a) sentencing factors do not support early release. Defendant's offense involved the distribution of deadly drugs after he escaped from state prison. Upon release he will be sent to Mexico without supervision. Under these circumstances, the sentencing factors do not support such a significant reduction in his sentence.

### **CONCLUSION**

The Court DENIES Defendant's Motion to Reduce Sentence Pursuant to U.S.C. § 3582(c)(1)(A)(i) [234] without prejudice and with leave to seek reconsideration if circumstances change.

IT IS SO ORDERED.

DATED: January 25, 2022.

A handwritten signature in blue ink that reads "Marco Hernández". The signature is written in a cursive style and is positioned above a horizontal line.

MARCO A. HERNÁNDEZ  
United States District Judge